IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICITON

WRIT PETITION NO.996 OF 2007

M/s.Prithvi Engineering & Anr. .. Petitioners.

Versus

Union of India & Another .. Respondents.

Mr.C.V. Lad for the petitioner.

Mrs.Ratina Maravarman with Mrs.N.V. Masurkar for the respondent.

CORAM : F.I. REBELLO &
D.B. BHOSALE, JJ.

DATED : 17TH AUGUST, 2007.

P.C. :

1. Heard learned counsel for the petitioners.

2. In an application for condonation of delay preferred in the Appeal, the Tribunal was pleased to record finding that sufficient cause has been shown to condone the delay in preferring the Appeal. One of the factors that the Tribunal bore in mind was that the impugned order was also the subject matter of an Appeal which was instituted within limitation.

3. On behalf of the petitioners, learned counsel points out that the appeal preferred was only against one M/s.Prithvi Containers and the petitioners herein were not parties to the said Appeal. In these circumstances, it is pointed out

that the findings by the Tribunal that the Appeal have been preferred also against the present petitioners would be perverse and consequently holding that there is sufficient cause in condoning the delay suffers from error of law apparent on the face of record and consequently the order is liable to be quashed and set aside.

4. We have perused the impugned order. We find that in the appeal preferred though the name of the petitioners herein was not listed, yet the order in respect of them was very much the subject matter of the appeal, at least in the prayer clause where relief was sought to set aside the order passed in favour of the petitioners also. In these set of facts, if the Tribunal has come to the conclusion that the respondents had preferred a joint appeal it cannot be said that the said order is perverse, warranting our interference in our extra-ordinary jurisdiction.

5. In the light of above, petition is dismissed. There shall be no order as to costs.

(D.B. BHOSALE, J.) (F.I. REBELLO, J.)